



TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
401 CHURCH STREET  
7<sup>th</sup> FLOOR, L & C ANNEX  
NASHVILLE, TENNESSEE 37243-1534

January 6, 2009

Ms. Lindy Johnson  
Tennessee Valley Authority  
Fossil Power Group  
Senior Water Regulatory Specialist  
Environmental Compliance  
1101 Market Street, LP-5D  
Chattanooga, Tennessee 37402

Subject: Aquatic Resource Alteration Permit **NRS 08.318**

Dear Ms. Johnson:

We have reviewed your application for the proposed installation of three rock dam structures in the Emory River segment of Watts Bar Reservoir and the diversion of one unnamed tributary to the Emory River as emergency measures for ash containment associated with the TVA-Kingston Fossil Plant. Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. §69-3-101 et seq.) and supporting regulations, the Division of Water Pollution Control is required to determine whether the activity proposed will violate applicable water quality standards.

Pursuant to rule 1200-4-7-.04(4)(a)4: Where the Commissioner determines an emergency situation exists, a permit for remedial action may be issued without prior public notice and participation. The emergency permit shall be advertised by public notice no later than twenty (20) days after issuance.

Subject to conformance with state rules, accepted plans, specifications and other information submitted in support of application NRS 08.318, the State of Tennessee hereby issues an Aquatic Resource Alteration Permit (enclosed).

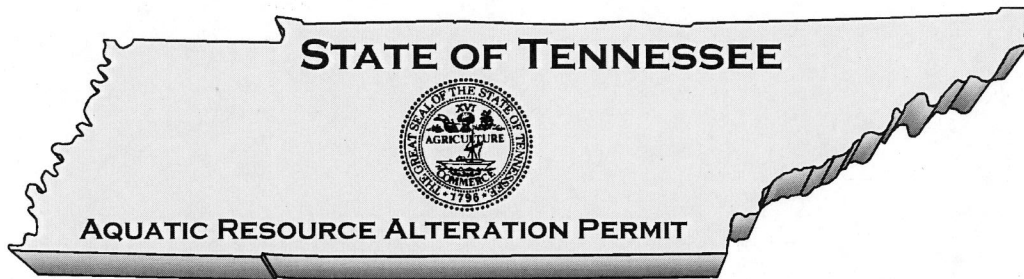
Failure to comply with the terms of this permit or other violations of the *Tennessee Water Control Act of 1977* is subject to penalty in accordance with T.C.A. §69-3-115.

**It is the responsibility of the permittee to ensure that all contractors involved with this project have read and understood the permit conditions before the project begins.** If you need any additional information, please contact Chip Hannah at 615-532-0713 or by e-mail at [hugh.hannah@state.tn.us](mailto:hugh.hannah@state.tn.us).

Sincerely,

Chip Hannah  
Natural Resources Section

Cc: WPC - EFOK - Paul Schmierbach  
U.S. Army Corps of Engineers - Brad Bishop - Nashville Office  
Lee Barclay - U.S. Fish and Wildlife Service, Cookeville, TN  
Tom Welborn - U.S. Environmental Protection Agency, Atlanta, GA  
File copy



## **NRS 08.318**

Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. §69-3-101 et seq.) and supporting regulations, the Division of Water Pollution Control is required to determine whether the activity described below will violate applicable water quality standards. Subject to conformance with state rules, accepted plans, specifications and other information submitted in support of application NRS 08.318, the State of Tennessee hereby authorizes the activity described below.

### **PERMITEE:**

Tennessee Valley Authority (TVA)

### **AUTHORIZED WORK:**

Authorized work includes the installation of three rock dam structures in the Emory River segment of Watts Bar Reservoir and the diversion of one unnamed tributary to the Emory River as emergency measures for ash containment associated with the TVA-Kingston Fossil Plant.

### **LOCATION:**

The authorized alterations are located in the Emory River segment of Watts Bar Reservoir at the TVA-Kingston Fossil Plant, Roane County. Lat: 35.898°N, Longitude: -84.503°W.

**EFFECTIVE DATE:** January 6, 2009

**EXPIRATION DATE:** January 5, 2010

### **GENERAL CONDITIONS:**

1. It is the responsibility of the permittee to convey the terms and conditions of this permit to all contractors. A copy of this permit, accepted plans, and any other documents pertinent to the activities authorized by this permit shall be maintained on site, at all times, during periods of construction activity.
2. The work may also require a federal §404 permit from the U. S. Army Corps of Engineers and/or authorization under a Tennessee NPDES Storm Water Construction Permit where necessary. The applicant is responsible for obtaining these permits.
3. Work shall be accomplished in conformance with state rules, the accepted plans, specifications, data and other information submitted in support of the application and the limitations, requirements and conditions set forth herein.
4. Any questions, problems or concerns that arise regarding any stream, spring or wetland either before or during construction, shall be addressed to the Division of Water Pollution

Control, Knoxville Environmental Field Office, 865-594-6035, or the permit coordinator at 615-532-0713.

5. Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat is prohibited.
6. This permit does not authorize impacts to cultural, historical or archeological features or sites.

This permit may also serve as a federal §401 water quality certification (pursuant to 40 C.F.R. §121.2).

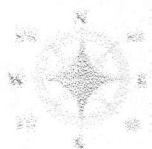
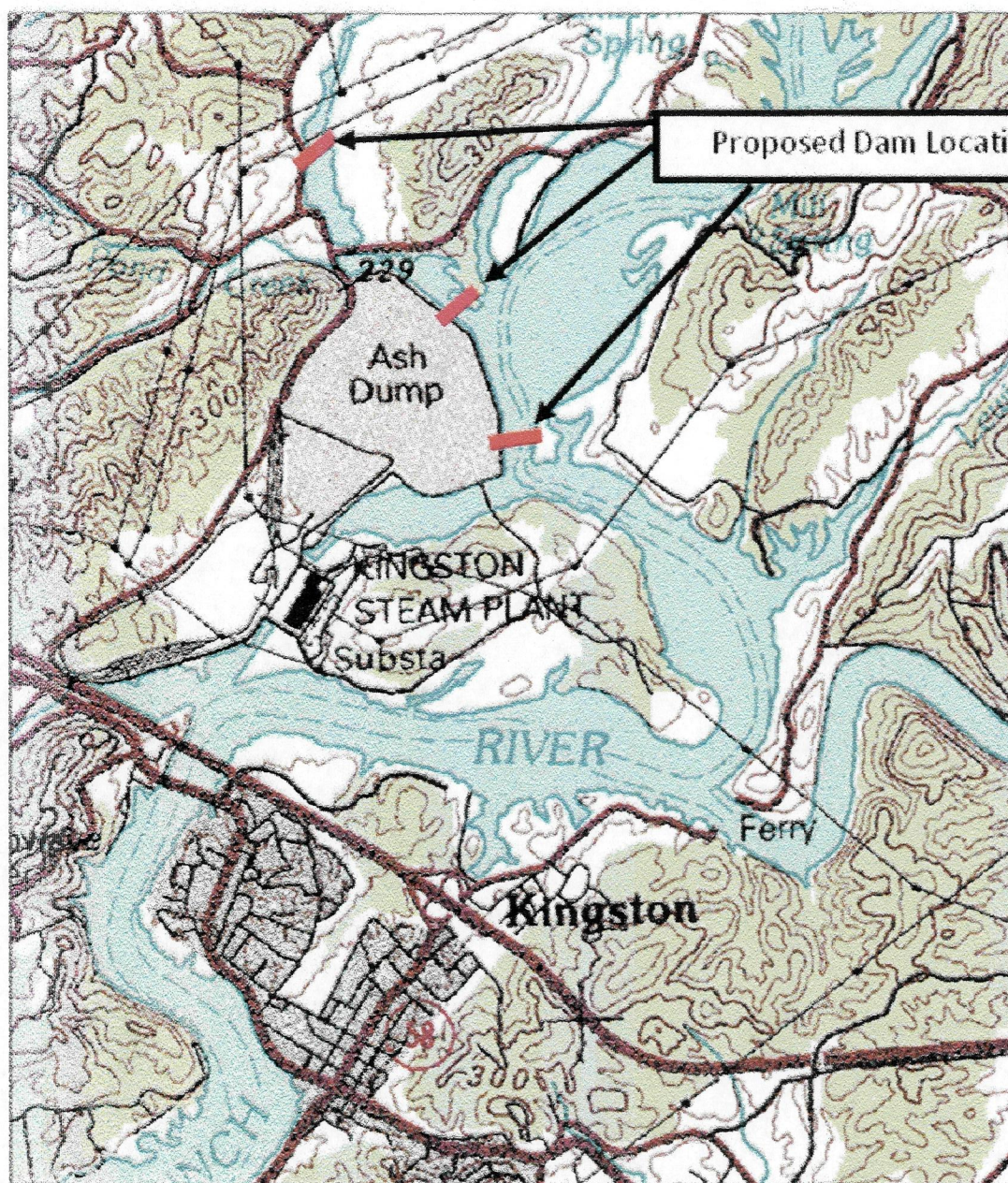
The Department may modify, suspend or revoke this permit or seek modification or revocation should the Department determine that the activity results in more than an insignificant violation of applicable water quality criteria or violation of the act. Failure to comply with permit terms may result in penalty in accordance with T.C.A. §69-3-115.

An appeal of this action may be made to the Water Quality Control Board. In order to appeal, a petition requesting a hearing before the Board must be filed within THIRTY (30) DAYS after receipt of the permit. In such petition, each contention should be stated in numbered paragraphs that describe how the proposed activity would be lawful and the action of the state is inappropriate. The petition must be prepared on 8½" x 11" paper, addressed to the Water Quality Control Board and filed in duplicate at the following address: Paul E. Davis, Director, Division of Water Pollution Control, 6<sup>th</sup> Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1534. Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.

A handwritten signature in black ink, appearing to read "Paul E. Davis", written over a horizontal line.

Paul E. Davis, P.E.  
Director, Division of Water Pollution Control





0 0.3 0.6 0.9 1.2 1.5 km

35.898°N 84.503°W

0 0.2 0.4 0.6 0.8 1 mi

**TVA – Kingston Fossil Plant  
Proposed Rock Dam locations for ash  
containment 12/31/08**



